

Message Text

UNCLASSIFIED

PAGE 01 SANTIA 10549 060417Z

64/43

ACTION ORM-02

INFO OCT-01 ARA-10 ISO-00 DHA-02 VO-03 CIAE-00 FBIE-00

INSE-00 NSAE-00 SCA-01 /019 W
----- 124631

R 031940Z NOV 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 2034

UNCLAS SANTIAGO 10549

C O R R E C T E D C O P Y (MRN 10549 VICE 0549)

E.O.11652:N/A

TAGS: SREF, CI

SUBJ: CHILEAN PAROLE PROGRAM: PAROLE OF SPOUSES ACQUIRED AFTER DATE
OF APPROVAL OF PAROLE

REF: STATE 262947

1. SUMMARY: THE INS DECISION (REFTEL) NO LONGER TO ENTER-
TAIN REQUESTS FOR PAROLE OF SPOUSES ACQUIRED AFTER THE DATE
OF APPROVAL OF THE PRINCIPAL APPLICANT FOR THE US PAROLE PROGRAM
APPEARS UNJUSTIFIED TO THE EMBASSY. THE NUMBERS INVOLVED ARE SMALL.
WE HAVE NO EVIDENCE THQT PAROLEES ARE TRYING TO CIRCUMVENT US
IMMIGRATION LAW THROUGH, FOR EXAMPLE, MARRIAGES OF CONVEN-
IENCE. TO THE CONTRARY, EACH CASE TO DATE HAS BEEN IN
ACCORD WITH THE HUMANITARIAN BASIS ON WHICH THE PROGRAM
RESTS. IN ADDITION TO HARDSHIPS IN INDIVIDUAL CASES, WE
ARE CONCERNED THAT THE DECISION - COMING AS IT DOES ALMOST
15 MONTHS AFTER THE PROGRAM WAS ANNOUNCED -- EXPOSES THE UG
TO CLAIMS OF ARBITRARINESS AND UNDERMINES TY HUMANITARIAN
JUSTIFCATION FOR THE CHILEAN PROGRAM. WE REQUEST RECON-
SIDERATION OF THSUNS DECISION. END SUMMARY

2. BASED UPON OUR EXPERIENCE TO DATE, WE ANTICIPATE
BETWEEN 10-15 CASES BETWEEN NOW AND THE TERMINATION OF THE
PROGRAM IN WHICH PRINCIPALS WOULD MARRY AFTER HAVE OBTAINED
APPROVAL FOR PAROLE. THIS PROJECTION INCLUDES FIVE CASES
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 SANTIA 10549 060417Z

NOW PENDING IN WASHINGTON AND THOSE EXPECTED FROM THE 80

REMAINING PHASE I AND 100 PHASE II PAROLEES. THERE HAVE BEEN SOUND CULTURAL AND HUMANITARIAN REASONS FOR ADMITTING SPOUSES OF SUCH MARRIAGES IN EACH CASE SO FAR.

3. FOR EXAMPLE, THE US IS THE ONLY COUNTRY PARTICIPATING IN THE RESETTLEMENT PROGRAM FOR CHILEAN DETAINEES WHICH REQUIRES THAT SPOUSES BE LEGALLY MARRIED. IN CHILE, IN OTHER LATIN AMERICAN COUNTRIES, COMMON-LAW MARRIAGES ARE FREQUENT, IN SOME CASES BECAUSE OF THE COMPLICATED LEGAL PROCEDURES REQUIRED TO OBTAIN ANNULMENTS. OFTEN IT IS SIMPLY EASIER- AND SOCIALLY ACCEPTABLE- TO ENTER INTO A COMMON-LAW MARRIAGE. WHEN A DETAINEE IS ADVISED THAT HE MUST PRESENT A MARRIAGE CERTIFICATE, IT IS NOT UNCOMMON FOR SEVERAL WEEKS TO PASS BEFORE HE CAN UNTANGLE THE LEGAL WEB TO OBTAIN AN ANNULMENT OF A FIRST MARRIAGE IN ORDER TO MARRY HIS COMMON-LAW WIFE OF SEVERAL YEARS. IF HIS CASE IS APPROVED BY INS BEFORE THIS SECOND MARRIAGE CAN TAKE PLACE, SHOULD HIS WIFE AND CHILDREN BE EXCLUDED? IN ADDITION TO THEIR EXPECTATIONS, AT THIS POINT CONSIDERABLE TIME, EFFORT AND MONEY HAVE BEEN EXPENDED BY THE US IN PROCESSING THE CASE.

4. ANOTHER FACTOR IS THAT SOME OF THE DETAINEES WERE VERY YOUNG AT THE TIME OF THEIR DETENTION. THEY HAVE MATURED AND NOW, WITH THE OPPORTUNITY TO BEGIN A NEW LIFE, IT IS UNDERSTANDABLE THEY MIGHT WISH TO MARRY SOMEONE OF THEIR OWN CULTURAL BACKGROUND AND, IN ALL PROBABILITY, SOMEONE THEY WOULD HAVE MARRIED HAD THEY STAYED IN CHILE.

5. THEN TOO, THERE IS THE QUESTION OF EQUITY. IN SEVERAL INSTANCES APPLICANTS MENTIONED TO THE INTERVIEWING OFFICER A DESIRE TO MARRY. NO NOTE WAS TAKEN OF THAT STATEMENT, NOR WAS IT REPORTED IN THE RECOMMENDATIONS FOR PAROLE, SINCE IT DID NOT APPEAR TO BE A MATERIAL FACT. APPLICANTS HAD NOT REASON TO MARRY WHILE STILL UNDER DETENTION OR UNTIL THEIR CIRCUMSTANCES HAD BEEN CLARIFIED. IT SEEMS TO THE EMBASSY EXTREMELY UNFAIR TO PENALIZE DETAINEES WHO HAVE NOT YET TRAVELED TO THE UNITED STATES BUT WHO HAVE MARRIED SINCE THE DATE OF APPROVAL.

6. IN ANOTHER CATEGORY ARE PRINCIPALS WHO HAVE PRECEDED UNCLASSIFIED

UNCLASSIFIED

PAGE 03 SANTIA 10549 060417Z

THEIR WIVES TO THE US. WE HAVE IDENTIFIED FIVE CASES WHICH APPEAR TO BE PENDING INS DECISION REGARDING THE WIVES. (THE FIVE DETAINEES WHO HAVE PRECEDED THEIR WIVES TO THE US ARE: CLAUDIO ALFONSO ALLENDE GONZALEZ (S-452), SANTIAGO 5569; PEDRO HUGO FLORES GONZALEZ (S-676) SANTIAGO 8365; LUIS GASTON GAJARDO ROBLERO (S-576), SANTIAGO 9714; PABLO RAMON JERARIOS (S-198), SANTIAGO 6021; AND JUAN MANUEL PATRICIO LIZAMA ALVAREZ (S-364), SANTIAGO 7473)

7. THE PAROLE PROGRAM SINCE ITS INCEPTION HAS ESTABLISHED PRIORITIES BASED ON HUMANITARIAN NEED: FAMILY CONNECTIONS IN THE US; THOSE IN WHOM US ORGANIZATIONS, EDUCATIONAL INSTITUTIONS OR FRIENDS HAD SHOWN AN INTEREST, AND THOSE WHO HAD EXPRESSED A PREFERENCE FOR RESETTLEMENT IN THE US (75 STATE 145640). SURELY SPOUSES OF THOSE PAROLEES ALREADY IN THE US FIT INTO THESE CATEGORIES.

8. ACTION REQUESTED: FOR THE FOREGOING REASONS, WE URGE INS TO RECONSIDER ITS DECISION. IN REPRESENTING THE EMBASSY'S CONSIDERABLE CONCERN TO INS, THE DEPARTMENT SHOULD REASSURE THE SERVICE THAT -- IF THE INS DECISION WAS BASED ON THE BELIEF THAT APPLICANTS MIGHT BE ARRANGING MARRIAGES OF CONVENIENCE- THE EMBASSY HAS NO EVIDENCE THAT MARRIAGES OF CONVENIENCE ARE BEING CONTRACTED. WE WOULD BE PREPARED TO CONDUCT A PARTICULARLY THOROUGH REVIEW OF EACH CASE TO ALLAY ANY POSSIBLE CONCERNS ALONG THESE LINES.
BOYATT

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, PAROLE, DEPENDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 03 NOV 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976SANTIA10549
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760414-0440
From: SANTIAGO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761185/aaaacvww.tel
Line Count: 134
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ORM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 262947
Review Action: RELEASED, APPROVED
Review Authority: oatisao
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 JUL 2004 by schwenja>; APPROVED <16 AUG 2004 by oatisao>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CHILEAN PAROLE PROGRAM: PAROLE OF SPOUSES ACQUIRED AFTER DATE OF APPROVAL OF PAROLE
TAGS: SREF, CI, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006